

United States Court of Appeals for the Fifth Circuit

No. 23-60388



A True Copy
Certified order issued Aug 17, 2023

John W. Cuyler
Clerk, U.S. Court of Appeals, Fifth Circuit

IN RE WILLIE EARL CURRY,

Movant.

Motion for an Order Authorizing
the United States District Court
for the Northern District of Mississippi
to Consider a Successive 28 U.S.C. § 2254 Application
USDC No. 1:22-CV-134

UNPUBLISHED ORDER

Before SMITH, ELROD, and WILSON, *Circuit Judges*.

PER CURIAM:

Willie Earl Curry, Mississippi prisoner # 168509, requests this court's authorization to file a second or successive 28 U.S.C. § 2254 application in district court to challenge his sentence as a non-violent habitual offender following his jury verdict convictions for attempt to exploit a vulnerable adult, conspiracy to exploit a vulnerable adult, and possession of hydrocodone. To the extent he presented this claim in his first application, he may not do so again. *See* 28 U.S.C. § 2244(b)(1). In any event, after the district court transferred Curry's latest § 2254 application to this court as a motion for authorization, the Mississippi circuit court granted Curry a

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resentencing hearing and imposed a new sentence. His counsel thus avers Curry has received the relief he was seeking.

Accordingly, IT IS ORDERED that Curry's motion for authorization is DENIED.